



Law and Justice Interim Committee

58th Montana Legislature

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DUANE GRIMES
DANIEL MCGEE
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JOHN PARKER
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JIM SHOCKLEY
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COMMITTEE STAFF

SHERI HEFFELFINGER, Research Analyst
VALENCIA LANE, Staff Attorney
REBECCA SATTLER, Secretary

REVISED AGENDA Law and Justice Interim Committee

Meeting #3
Saturday, March 20, 2004

Best Western Yellowstone Inn and Conference Center
1515 W. Park Street
Livingston, MT (406) 222-6110

- 8:30 a.m. Roll Call, Approval of Minutes from October 23, 2003, rule review matter
- 8:45 a.m. Staff review of public defender caseload data, other states, issues and options, **Ms. Sheri Heffelfinger**, Research Analyst, Committee Staff
- 9:15 a.m. Fiscal briefing on the state District Court program and public defense costs, **Mr. Harry Freebourn**, Legislative Fiscal Analyst
- 9:45 a.m. BREAK
- 10:00 a.m. **Special Guest Panel:** What are the various ways of organizing public defender services and what are the strengths and weaknesses of these methods?
 - ▼ Wyoming - Mr. Ken Koski, State Public Defender
(Governor-appointed, attached to the Executive Branch)
 - ▼ Colorado - Mr. Dave Kaplan, State Public Defender
(Commission-appointed, attached to Judicial Branch)
 - ▼ Oregon - Mr. Peter Ozanne, Executive Director, Oregon Office of Public Defense
(Commission-appointed, attached to Judicial Branch, contracted services program) UNABLE TO ATTEND, HARD COPY MATERIAL PROVIDED
 - ▼ North Dakota: Mr. Jim Ganje, North Dakota Legal Counsel for Indigent Defense Commission, Supreme Court
(Decentralized system administered by each District Court)
 - ▼ The Spangenberg Group: Ms. Jennifer Riggs, Analyst (Nationwide perspective)

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- 12:00 a.m. LUNCH BREAK

- 1:00 p.m. Stakeholder interests, concerns, and recommendations with respect to the structure and funding of a statewide public defender system in Montana
 - ▼ **Montana Criminal Defense Trial Lawyers Association** (15 min)
 - ▼ **Montana County Attorney's Association** (15 min)
 - ▼ **Montana Judges' Association** (15 min)
 - ▼ **District Court Council** (15 min)
 - ▼ **Appellate Defender Commission** (15 min)

- 2:15 p.m. Public Comment

- 3:00 p.m. BREAK

- 3:15 p.m. Committee member discussion and questions and answers with all interested parties and stakeholders about the pros and cons of the options presented
 - ▼ Option A: current system with some enhancements to provide guidelines on administration, contracting, and court-appointment policies, but retaining local administrative control at the county level
 - ▼ Option B: centralized coordination through the Judicial Branch and District Courts with additional enhancements to the Office of Court Administrator to provide state-level contracting, standardize court-appointment procedures, but stopping short of a state public defender
 - ▼ Option C: establish a new state public defender office, state assumption of all administration, including county public defender offices (could be attached as an independent agency either to Judicial Branch or Executive Branch agency)

- 3:45 p.m. **Committee executive work session**: Votes on the options and decisions about crafting any recommended committee legislation, and/or requests for additional information

- 4:15 p.m. Committee member issues
 - ▼ Senator McGee, Homeland Security
 - ▼ Others ?

Instructions to staff
Date and agenda for next meeting

- 4:30 p.m. Adjournment

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